Cri. Misc. Transfer Application No. 15 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri S.S. Yadav learned counsel for the petitioner and learned A.G.A.

This is a petition under section 407 of the Code of Criminal Procedure seeking transfer of the criminal case on the ground that the complainant is the brother of a practicing Advocate of district, Udham Singh Nagar, at Rudrapur and he is unable to retain any counsel of his choice due to the relationship of the complainant with the Advocate. Earlier an application was moved before the Sessions Judge who noticed that number of Advocates have been engaged by the applicant in the past and therefore it is evident that the claim made by the applicant is not bonafide.

Considering this there is no merit in the petition and the same is hereby dismissed.

(Irshad Hussain, J.)

Dt. 15.12.2003

ISB